

**AMENDMENTS TO THE DRAWINGS:**

The attached 7 sheets of drawings includes changes to correct the margin size.

The content of the drawings is unchanged.

**REMARKS**

As a preliminary matter, Applicant notes that claims 1-20 are currently pending in the present application, although the Office Action addresses only claims 1-19. Applicant, therefore, requests the Examiner to examine and allow this claim together with the other claims pending in the present application.

In this Reply, Applicant has amended claim 14 to correct a typographical error and amended claims 1, 5, 8, 12, 15, and 18 to more clearly recite features of the invention. Applicant has also attached formal replacement drawings with corrected margins. Claims 1-20 are currently pending.

**Rejection under 35 U.S.C. § 101**

In the Office Action, the Examiner rejected claims 1-19 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter for allegedly not producing a “final result that is ‘useful, tangible and concrete.’” Applicant respectfully traverses.

Contrary to the Examiner’s assertion, claims 1-19 do recite a final result that is useful, tangible, and concrete. Claim 1, for example, recites a “method for presenting a plurality of search result records from a query,” including “defining a shared attribute, that was not used in the query, based on values common to a plurality of search result records,” “creating a category corresponding to a value of the shared attribute,” “displaying the category,” and “displaying a list of the search result records associated with the displayed category.” The claim, therefore, covers presenting a display of information in a specific format that is useful, tangible, and concrete.

Specifically, displaying the shared attribute category and displaying a list of the search result records associated with the displayed category is a useful, practical arrangement of the search result records because it results in the display of the search

result records organized in a way that is more understandable to a person viewing the display. (See Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (cited in Office Action) at 20-21). The result of the claimed display steps is tangible because it produces a beneficial result or effect--namely a reorganization of the search result records that is more understandable to a person viewing the display. (Id. at 22). Finally, the result of the claimed method is concrete because it is repeatable--starting with the same search result records from a query multiple times will result in the same display of categories and records associated with each category each time. (Id. at 22).

The Federal Circuit has held that producing a display of data in a specific format meets the requirements of 35 U.S.C. § 101. *In re Alappat*, 33 F. 3d 1526, 31 USPQ 2d 1545 (Fed. Cir. 1994). As the Federal Circuit has set forth in several cases, such as *AT&T Corp. Excel Communications, Inc., State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F. 3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998), and *In re Alappat*, a practical application of a process invention includes a useful presentation of information.

Moreover, claims 8-19 are directed toward a system and computer program product, both of which are clearly statutory subject matter.

Finally, the Examiner has not established a prima facie case of unpatentability under section 101 because the Examiner has not identified and explained the basis for why each claim is for an abstract idea with no practical application. The Office Action merely contains a conclusory statement that the claims "are not directed towards a final result that is 'useful, tangible and concrete'" (Office Action at 2), a recitation of case law

(Id. at 2-3), and a statement that the “Examiner believes that the above listed claims are nonstatutory.” However, “[t]he examiner bears the initial burden . . . of presenting a prima facie case unpatentability.” *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). In the Office Action, there is no identification of the basis for these conclusions, no application of the case to the claim language, and no reasoning or explanation of logic that lead to the Examiner’s conclusion. Accordingly, the Examiner has not met his initial burden for establishing a prima facie case of unpatentability.

For at least the foregoing reasons, the rejection of claims 1-19 under § 101 is without basis and should be withdrawn.

**Rejection under 35 U.S.C. § 112, Second Paragraph**

In the Office Action, the Examiner rejected claims 7, 12, and 18 under 35 U.S.C. § 112, second paragraph as being indefinite because the word “substantially” is alleged to be unclear. Because the word “substantially” does not appear in claim 7, Applicant assumes the Examiner meant to refer to claim 5 instead, and proceeds under this assumption.

While Applicant does not agree with the Examiner’s allegation of indefiniteness, in order to advance prosecution without additional delay, Applicant has amended claims 5, 12, and 18 such that these claims no longer recite the word “substantially” but recite a “common” set of defined values. This amendment is supported by paragraph 36 of the specification, among other places. Accordingly, the rejection of claims 5, 12, and 18 under 35 U.S.C. § 112, second paragraph is moot, and Applicant requests withdrawal of this rejection.

**Rejection under 35 U.S.C. § 102(a)**

In the Office Action, the Examiner rejected claims 1-19 under 35 U.S.C. § 102 as being allegedly anticipated by U.S. Patent Publication No. 2003/0212665 to *Patitucci* ("*Patitucci*"). Applicant respectfully traverses.

In order to properly anticipate claims 1-19 under 35 U.S.C. § 102(a), *Patitucci* must explicitly disclose each and every limitation recited in the claims. See M.P.E.P. § 2131 (8th ed., May 2004 rev.). If *Patitucci*, however, fails to expressly set forth a particular limitation, then the Examiner must show that this limitation is inherently disclosed to substantiate a claim of anticipation. See *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). To establish inherency, the Examiner must specifically identify extrinsic evidence that makes clear to one skilled in the art that the missing limitation "is necessarily present" in the *Patitucci* disclosure. See *id.*; see also *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1269 (Fed. Cir. 1991).

*Patitucci* does not disclose each and every limitation recited in the claims. For example, independent claim 1 as amended, recites a combination including "defining a shared attribute, that was not used in the query, based on values common to a plurality of search result records; creating a category corresponding to a value of the shared attribute; displaying the category; and displaying a list of the search result records associated with the displayed category." *Patitucci* does not disclose or teach these features.

*Patitucci* appears to be related to a method of identifying and sorting related data elements in a data repository, (i.e., a relational database) and displaying the related data elements in a conventional hierarchical format or tabular format. (Abstract; paras. 44-46, 50, 53; Figs. 6, 8, and 10). *Patitucci*'s display format shows the relationship

among the displayed data elements as a hierarchy. (Para. 44, Fig. 6). *Patitucci* does not teach “defining a shared attribute, that was not used in the query, based on values common to a plurality of search result records” because *Patitucci*’s system does not define any shared attributes. Instead, it merely identifies the hierarchy of existing attributes in a relational database. (Id.). *Patitucci* does not teach “creating a category corresponding to a value of the shared attribute” because *Patitucci*’s system does not define shared attributes and because *Patitucci*’s system considers only the relationships between data elements, not the value of a data element. (Id.). *Patitucci* does not teach displaying a category corresponding to a value of the identified attribute because *Patitucci*’s system displays a relational hierarchy, not categories of data element values corresponding to attribute values. (Id.). Similarly, *Patitucci* does not teach displaying a list of the search result records associated with the displayed category, because *Patitucci*’s system displays a relational hierarchy. (Id.; Figs. 6, 8, and 10).

The Examiner cites to paragraphs 39, 44, 49, and 50 of *Patitucci* as disclosing these recited features of claim 1. Applicants respectfully disagree because these portions of *Patitucci* teach how to determine the database-defined relationship between data elements (para. 39), a hierarchical display of data elements based on their database-defined relationships (para. 44), and a tabular display of sub-elements of a data element based on a database-defined relationship (paras. 49, 50). These hierarchical and tabular displays based on database-defined relationships between data elements do not teach creating and displaying a category corresponding to a value of a newly defined shared attribute and displaying a list of the search result records associated with the displayed category, as recited in claim 1.

For at least the foregoing reasons, *Patitucci* does not disclose or teach each and every element of independent claim 1, and, therefore, claim 1 is allowable over the prior art. For at least the same reasons, independent claims 8 and 15, which are of different scope but recite features similar to those recited in claim 1, are also allowable. In addition, claims 2-7, 9-14, and 16-20, are also allowable at least by virtue of depending from allowable base claims. Accordingly, Applicant requests the withdrawal of the rejection of claims based on *Patitucci*.

In addition, the dependent claims are allowable for additional reasons--namely because *Patitucci* fails to teach the recited features of these claims. For example, *Patitucci* fails to disclose "classifying the first attribute and the second attribute as a single shared attribute if the first set of defined values and the second set of defined values share a common set of defined values" as recited in claims 5, 12, and 18. Moreover, *Patitucci* fails to disclose "combining the first category and the second category into a new category if the sum of the first number and the second number is less than a predetermined threshold," as recited in claims 6, 13, and 19, or "combining the first category and the second category into a new category if the sum of the first number and the second number are less than a third number of records in a third category," as recited in claims 7, 14, and 20. Accordingly, Applicant requests the withdrawal of the rejection of claims 5-7, 12-14, and 18-19 for these additional reasons.

**Dependent Claim 20**

Finally, because the Examiner did not mention or address claim 20 in the pending Office Action, Applicant respectfully requests the Examiner to consider this claim. In view of the foregoing remarks and the dependency of claim 20 from an allowable base claim, Applicant submits that claim 20 is allowable over the prior art.

Should, however, the Examiner decide to reject claim 20, Applicant requests that the Examiner issue a new and non-final Office Action stating the reasons for rejection of claim 20 so that Applicant has a fair chance to respond to any such rejection.

**CONCLUSION**

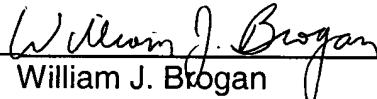
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of all of the pending claims 1-20.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 24, 2006

By:   
William J. Brogan  
Reg. No. 43,515

Attachments: 7 Replacement Sheets of drawings, Figures 1-7